THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.12583 of 2006

Date: 26.06.2006

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Between:

Dr. Rajeswari, D/o. J.Amar Singh,
R/o. Hyderabad

Petitioner

and

Dr. NTR University of Health Sciences A.P.,
Rep. By its Registrar, Vijayawada and two others

Respondents

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.12583 of 2006

ORDER:

The petitioner appeared for Post Graduate Medical Entrance Test under the reservation quota for Scheduled Tribes from the local area of Osmania University for the academic year 2006-2007. In the merit list prepared for the Scheduled Tribe candidates falling in the local area of Osmania University, the petitioner was shown at Sl.No.47. Admissions were held in two phases, as per the guidelines issued by the Medical Council of India. The dispute is with regard to a vacant seat to be filled in the subject of MD.DVL (Dermatology) at Mamatha Medical College, Khammam. In the second phase of counseling, one Dr.M.Kavitha, who is at Sl.No.37 in the merit list, was granted admission. But, however, subsequently, she has given letter stating that she is not interested to join in the said course. In that view of the matter, the respondents have taken steps to fill up the resulted vacancy by in-service candidate, who has applied through the Head of the Department in a separate proforma prescribed.

It is the case of the petitioner that as much as the said vacancy was reserved to Scheduled Tribe candidate, and as she is the next available candidate and willing to take admission to such a seat, the respondents ought to have offered the said seat to her in stead of filling up the said vacancy by in-service candidate.

Sri S. Lakshma Reddy, learned counsel for the petitioner, placed reliance on the Schedule issued by the Medical Council of India for completion of admission process for Post Graduate Medical Courses for the academic session 2006-07. As per the said Schedule, 30.06.2006 is the last date upto which, the students can be admitted

against vacancies arising due to any reason. In that view of the matter, as the vacancy arose before such a notified date is to be filled up with the next candidate within the category.

On instructions, Sri D.V. Nagarjuna Babu, learned standing counsel appearing for the respondents submitted that the vacancy is to be filled up by in-service candidate as per the Rules framed under Section 3 read with Sub Section (1) of Section 15 of the Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation fee) Act, 1983. It is submitted that the Rules were amended in G.O.Ms.No.83, dated 25.03.2006. As per Rule 3 vacant seat in clinical subjects at the end of selections in each division shall be filled up only following the roaster points from among the applicants, who are in-service candidates.

With reference to the above submissions, in this case it is to be seen that as per the schedule notified, the admissions have taken place by way of counseling. The seat in MD.DVIL (Dermatology) is considered for allotment to Scheduled Tribe candidate in the second phase of counseling and though initially the candidate at Sl.No.37 in the merit list has opted for admission to the said seat, later withdrew her claim of admission. The petitioner is at Sl.No.47 and there are other candidates also in the same category, in between the candidates with Sl.No.37 and 47. But, however, it is stated that they have already joined in other courses, as the said seat was not available for them on the date of their counseling. Though it is submitted by the learned counsel that the amended Rule runs contrary to the schedule notified, but however I do not find any such Rule, which runs contrary to the time schedule issued by the Medical Council of India. As per the amended Rules, the vacant seat in clinical subject at the end of selection in each division shall be filled, by following the roaster point from the applicants, who are in-service candidates, and who have applied through their respective department basing on the merit in MBBS marks. However, as the second counseling is also over, the

vacant seat has to be filled, only in accordance with the amended Rule as per G.O.Ms.No.83, dated 25.03.2006, by in-service candidate. The petitioner is not even the immediate candidate after the candidate who had earlier taken admission. In that view of the matter, steps are being taken to fill up the vacant seat in accordance with the Rules.

Under the above circumstances, I see no illegality in the process adopted by the respondents. The writ petition is devoid of merit and the same is accordingly dismissed at the stage of admission. There shall be no order as to costs.

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R. Subhash Reddy, J

Date: 26.06.2006
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